

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

RASHED MOHAMMED ABEDEL,

Plaintiff,

- against -

UNITED STATES OF AMERICA,

Defendant.

-----X

BLOOM, United States Magistrate Judge:

Plaintiff filed the instant *pro se* action on November 20, 2006. A review of the Court's records reflects that there is no proof that defendant has ~~been~~ served with the summons and complaint on file. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

On November 29, 2006, plaintiff was advised of his obligation to serve defendant by March 20, 2007. See docket entry 2. By Order dated April 5, 2007, I directed plaintiff to serve defendant with the summons and complaint promptly. My Order explicitly stated "If service is not made upon the United States, or plaintiff fails to show good cause why such service has not been effected by June 4, 2007, I will recommend that this action should be dismissed under Federal Rule of Civil Procedure 4(m)." Plaintiff has failed to file proof of service or show good cause why service had

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ JUL 13 2007 ★
BROOKLYN OFFICE

not been made. Accordingly, it is respectfully recommended **that** the instant action should be dismissed without prejudice pursuant to Rule 4(m) of the **Federal** Rules of Civil Procedure.

FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the **Federal** Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report **to** file written objections. See also Fed. R. Civ. P. 6. Such objections (and any responses to objections) shall be filed with the Clerk of the Court. Any request for an extension of time to file objections **must** be made within the ten-day period. Failure to file a timely objection to this Report generally **waives** any further judicial review. Marcella v. Capital Dist. Physician's Health Plan, Inc., 293 F.3d 42 (2d Cir. 2002); Small v. Sec'y of Health and Human Services, 892 F.2d 15 (2d Cir. 1989); see Thomas v. Arn, 474 U.S. 140 (1985).

SO ORDERED:

/S/ 
LOIS BLOOM
United States Magistrate Judge

Dated: July 17, 2007
Brooklyn, New York